

Before the  
**Federal Communications Commission**  
Washington, DC

DOCKET FILE COPY ORIGINAL

In re Application of	)	MM Docket No. 93-26
	)	
SPECTRUM BROADCASTING CO.	)	File No. BPH-911031MC
	)	
STEVEN L. GRADIK	)	File No. BPH-911031MD
	)	
TERRY C. JENKS	)	File No. BPH-911031MF
	)	
For a New FM Broadcast Station	)	
to Serve Bowdon, GA	)	

RECEIVED

MAR 25 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: Richard L. Sippel  
Administrative Law Judge

**SUPPLEMENT TO JOINT REQUEST FOR DISMISSAL OF APPLICATION AND  
APPROVAL OF SETTLEMENT AGREEMENT**

Spectrum Broadcasting Co., ("Spectrum"), by its attorney, hereby respectfully submits a supplement to the "Joint Request for Dismissal of Application and Approval of Settlement Agreement" filed by Spectrum and Terry C. Jenks ("Jenks") on March 16, 1993, requesting that Spectrum's application for a new FM broadcast station be dismissed with prejudice. With respect thereto, the following is stated:

As noted previously, Spectrum has not filed a Notice of Appearance in this proceeding. Therefore, its application is to be dismissed. Spectrum agreed to refrain from prosecuting its application under the terms and conditions of the Settlement Agreement which was attached to the Joint Petition, which requires Commission approval.

Attached hereto is a Declaration from Tana Stalnaker, a Partner of Spectrum Broadcasting Co., listing the reasonable and prudent expenses incurred by Spectrum for the prosecution of its application.<sup>1</sup> Attached also is a declaration from undersigned counsel

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<sup>1</sup> As noted in the Declaration, Spectrum will seek refund of the sum of \$6760.00 from the Federal Communications Commission (which constitutes the Hearing Fee it tendered to the FCC) through a filing with the Managing Director's Office. Consequently, no portion of \$12,000

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describing the services provided to Spectrum with respect to the preparation, filing, amendment, prosecution, and dismissal of its application for Bowdon, Georgia. Finally, attached hereto is a declaration from Spectrum establishing that approval of the Settlement Agreement would be in the public interest, that its application was not filed in order to reach or carry out the Settlement Agreement, and that the payment promised to Spectrum will not exceed reasonable and prudent expenses that were incurred by it in conjunction with the preparation, filing, and prosecution of its application.

WHEREFORE, in consideration of the foregoing, it is respectfully requested that the Settlement Agreement be approved, and that the application of Spectrum Broadcasting, Inc. be dismissed with prejudice.

SPECTRUM BROADCASTING CO.

By: 

Dan J. Alpert

Its Attorney

1250 Connecticut Ave., N.W.  
7th Floor  
Washington, DC 20036  
(202) 637-9158

March 25, 1993

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reimbursement being supplied by Jenks will be distributed to Spectrum to reimburse Spectrum for its payment of its Hearing Fee to the Commission unless that refund request is denied by the Commission. Barring such a denial, Spectrum has agreed to cap the total reimbursement that it will receive from Jenks at \$8100, which is a sum below the total of the remaining items subject to reimbursement (\$8600). Therefore, under no circumstance will Spectrum receive reimbursement in excess of the reasonable and prudent expenses that it has incurred with respect

~~to the preparation, filing, and prosecution of its application.~~

### DECLARATION

I, Tana Stalnaker, hereby state under penalty of perjury as follows:

1. I am a Partner and President of Spectrum Broadcasting Co.
2. Spectrum has incurred expenses in conjunction with the filing and prosecution of its application as follows:

Filing Fee	\$2030.00
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Engineering	2850.00
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Trips to Bowdon	702.00
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(six trips to Bowdon  
for obtaining transmitter  
site, meeting between  
stockholders --  
225 miles each way times  
six trips (\$0.26/mile)

Telephone Expenses	283.00
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Hearing Fee	6760.00*
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Attorney Fees	2735.00
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TOTAL	\$ 15,360.00
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I declare under penalty of perjury that the foregoing is true and correct.

SPECTRUM BROADCASTING, INC.

By: Tana Stalnaker  
Tana Stalnaker

DECLARATION

I, Tana Stalnaker, hereby state as follows:

1. I am a Partner in Spectrum Broadcasting Co., an applicant for a new FM broadcast station to serve Bowdon, Georgia (File No. BPH-911031MC).

2. No monetary consideration is being provided to Spectrum in conjunction with the dismissal of its application for Bowdon, Georgia is that specified in the Settlement Agreement that has been filed being filed.

3. Approval of the Agreement is in the public interest insofar as it will expedite the commencement of new service to Bowdon, Georgia by reducing the number of applicants in the comparative hearing.

4. Spectrum's application was not filed for the purpose of reaching or carrying out the Settlement Agreement.

I declare under penalty of perjury that the foregoing is true and correct.

SPECTRUM BROADCASTING CO.

By: Tana Stalnaker  
Tana Stalnaker

Signed and dated this 24th day of March, 1993.



Tanna Stallnaker  
Spectrum Broadcasting  
Box 314  
McRae Ga. 31055

FEDERAL COMMUNICATIONS SERVICES  
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TELEPHONE: 603-672-2711 FAX 603-672-6242

# INVOICE

Oct. 11, 1991

Quantity	Description	Unit price	Amount
	COMPLETE FM APPLICATION: BOWDON, GA.		\$2350.00
	OUT OF POCKET FEE CHARGES		\$500.00
SUB TOTAL			
TAX			
TOTALS			\$2850.00

## DECLARATION

I, Dan J. Alpert, hereby state as follows:

1. I am an attorney practicing law before the Federal Communications Commission. I represent Spectrum Broadcasting, Co. ("Spectrum").

2. Spectrum has incurred legal expenses in excess of the amount of \$ 2735.00 in conjunction solely the filing, prosecution, amendment, and dismissal of its application for Bowdon, Georgia. Specifically, these expenses were incurred in conjunction with reviewing and filing the original application; preparation of the Public Notice of the original application filing; reviewing competing applications; obtaining and reviewing amendments to the applications; research concerning the competing applicants' credentials; review of the Hearing Designation Order; preparation of the Public Notice for publication of the HDO; letters re the designation of the Presiding Judge and the hearing schedule; review of the settlement agreement; and preparation of the Joint Petition for Approval of Settlement Agreement and the draft escrow agreement and associated documents.

I declare under penalty of perjury that the foregoing is true and correct.



Dan J. Alpert

Signed and dated this 25th day of March, 1998.

CERTIFICATE OF SERVICE

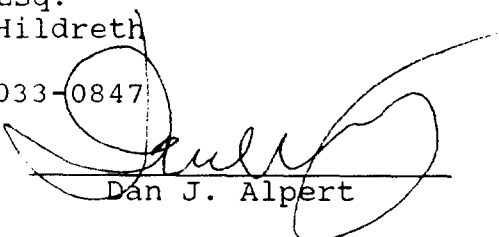
I, Dan J. Alpert, hereby certify that copies of the foregoing document were served by U.S. Mail, postage pre-paid or by hand, to the following:

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Dan J. Alpert